

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SWINERTON BUILDERS, et al.,

Plaintiffs,

vs.

AMERICAN HOME ASSURANCE  
COMPANY, et al.

Defendants.

Civil Action No.: 3:12-cv-04350 (SC)

**STIPULATION AND ORDER TO  
VACATE DEFAULT**

The undersigned parties, through their respective counsel, hereby stipulate as follows and request that the Court enter the Stipulation as an Order, vacating plaintiffs' request to enter default judgment:

(1) On February 1, 2013, plaintiffs filed a request to enter default judgment against defendants American Home Assurance Company ("American Home") and National Union Fire Insurance Company of Pittsburgh, PA ("National Union").

(2) On February 22, 2013, American Home and National Union moved to set aside the defaults.

(3) Because the parties desire to (i) minimize fees and expenses in this action and (ii) reduce the burdens placed on the Court by additional and unnecessary motion practice respecting the propriety of the default, plaintiffs and defendants hereby stipulate that the plaintiffs' request to enter default judgment against American Home and National Union may and should be vacated by this Court.

(4) Upon entry of an Order on this stipulation, American Home and National Union shall withdraw their motion to set aside the defaults.

(5) Defendants American Home and National Union shall have 21 days from the date of this Order within which to respond to plaintiffs' complaint.

/s/ Joseph L. Oliva  
Joseph L. Oliva, Esquire  
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*Attorney for Plaintiffs, Swinerton Builders  
and Swinerton Incorporated*

/s/ Marc J. Derewetzky  
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Insurance Company of Pittsburgh, PA*

03/04/2013  
GOOD CAUSE APPEARS TO BE SO ORDERED.

Honorable

